

MONTANA LEGISLATIVE HISTORY

Chapter 366 19 93

Bill H _____ S 189

Original bill & history ☒ c

H. Committee on Local Govt.

Hearing Date(s) Mar 23 ☒ c

Mar 25 ☒ c

_____ c

_____ c

Date Out Mar 25 ☒ c

S. Committee on Local Govt.

Hearing Date(s) Jan 26 ☒ c

Feb 09 ☒ c

_____ c

_____ c

Feb 10 ☒ c

Did this bill originate in an interim committee? ☐ Yes ☐ No

Committee _____

Report _____

1 Senate BILL NO. 189
2 INTRODUCED BY Dherty
3
4 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THAT CURRENT
5 AND DELINQUENT TAXES BE PAID BEFORE REAL PROPERTY MAY BE
6 SPLIT OR COMBINED AND BEFORE A DIVISION OR MERGER OF REAL
7 PROPERTY MAY BE RECORDED; AND AMENDING SECTIONS 7-4-2613 AND
8 76-3-207, MCA."

9
10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11 **Section 1.** Section 7-4-2613, MCA, is amended to read:

12 "7-4-2613. Documents subject to recording. The county
13 clerk ~~must~~ shall, upon the payment of his the required fees
14 ~~for---the---same~~, record, photograph, or correctly copy,
15 separately, in large and well-bound or to be bound separate
16 books, either in a fair hand or by printing, typewriting, or
17 photographic process or by the use of prepared blank forms:

18 (1) (a) subject to subsection (1)(b), deeds, grants,
19 transfers, certified copies of final judgments or decrees
20 partitioning or affecting the title or possession of real
21 property any part of which is situated in the county,
22 contracts to sell or convey real estate and mortgages of
23 real estate, releases of mortgages, powers of attorney to
24 convey real estate, leases which that have been acknowledged
25 or proved, and abstracts of such instruments which that have

1 been acknowledged or proved;

2 (b) an instrument or deed evidencing either a division
3 of real property or a merger of real property only if the
4 instrument or deed is accompanied by a certification from
5 the county treasurer that taxes and special assessments that
6 have been assessed or levied have been paid;

7 (2) notices of buyer's interest in real property,
8 notwithstanding any other requirement of law or rule
9 relating to eligibility for recording of the deed, contract
10 for deed, or other document relating to the notice of
11 buyer's interest; however, if the instrument of conveyance
12 underlying a notice of buyer's interest would be
13 unrecordable, the clerk and recorder ~~shall~~ notify the buyer
14 by certified mail that the underlying instrument is
15 unrecordable and may be void;

16 (3) a document on a form provided by the department of
17 revenue certifying that the holder of a nonprobate interest
18 in real property is deceased and that his the deceased
19 person's interest is terminated. A nonprobate interest in
20 real property is a joint tenancy interest, a life estate
21 interest, or any other interest not requiring probate. The
22 document may be on the form used by the department of
23 revenue for responding to the application for determination
24 of inheritance or estate tax. It ~~shall~~ must contain:

25 (a) a statement that the holder of the nonprobate

1 interest has died and that his the holder's interest in the
2 property is terminated;

3 (b) a certification by the county treasurer that the
4 inheritance or estate tax, if any tax was due, has been paid
5 or that no inheritance or estate tax was not due;

6 (c) a description of the property;

7 (4) certificates of births and deaths;

8 (5) wills devising real estate admitted to probate;

9 (6) official bonds;

10 (7) transcripts of judgments which by law are made
11 liens upon real estate;

12 (8) instruments describing or relating to the
13 individual property of married persons;

14 (9) all orders and decrees made by the district court
15 in probate matters affecting real estate and which are
16 required to be recorded;

17 (10) notice of preemption claims;

18 (11) notice and declaration of water rights;

19 (12) assignments for the benefit of creditors;

20 (13) affidavits of annual work done on mining claims;

21 (14) notices of mining locations and declaratory
22 statements;

23 (15) estrays and lost property;

24 (16) a book containing appraisalment of state lands;

25 (17) such other writings as are required or permitted by

1 law to be recorded."

2 **Section 2.** Section 76-3-207, MCA, is amended to read:

3 **"76-3-207. Subdivisions exempted from review but**
4 **subject to survey requirements -- exceptions.** (1) Except as
5 provided in subsection (2), unless the method of disposition
6 is adopted for the purpose of evading this chapter, the
7 following divisions of land are not subdivisions under this
8 chapter but are subject to the surveying requirements of
9 76-3-401 for divisions of land not amounting to
10 subdivisions:

11 (a) divisions made outside of platted subdivisions for
12 the purpose of relocating common boundary lines between
13 adjoining properties;

14 (b) divisions made outside of platted subdivisions for
15 the purpose of a gift or sale to any member of the
16 landowner's immediate family;

17 (c) divisions made outside of platted subdivisions by
18 sale or agreement to buy and sell where the parties to the
19 transaction enter a covenant running with the land and
20 revocable only by mutual consent of the governing body and
21 the property owner that the divided land will be used
22 exclusively for agricultural purposes;

23 (d) a single division of a parcel outside of platted
24 subdivisions when the transaction is an occasional sale;

25 (e) for five or fewer lots within a platted

1 subdivision, relocation of common boundaries and the
2 aggregation of lots; and

3 (f) divisions made for the purpose of relocating a
4 common boundary line between a single lot within a platted
5 subdivision and adjoining land outside a platted
6 subdivision. Any restrictions or requirements on the
7 original platted lot or original unplatted parcel continue
8 to apply to those areas.

9 (2) Notwithstanding the provisions of subsection (1):

10 (a) within a platted subdivision filed with the county
11 clerk and recorder, any division of lots which results in an
12 increase in the number of lots or which redesigns or
13 rearranges six or more lots must be reviewed and approved by
14 the governing body, and an amended plat must be filed with
15 the county clerk and recorder;

16 (b) any change in use of the land exempted under
17 subsection (1)(c) for anything other than agricultural
18 purposes subjects the division to the provisions of this
19 chapter.

20 (3) No A division of land may not be made under this
21 section unless the county treasurer has certified that no
22 all real property taxes assessed and levied on the land to
23 be divided are-delinquent have been paid."

24 NEW SECTION. Section 3. Taxes paid before recording
25 division or merger of real property. An instrument or deed

1 evidencing either a division of real property or a merger of
2 real property may not be accepted for recordation unless
3 accompanied by a certification from the county treasurer
4 that taxes and special assessments that have been assessed
5 or levied have been paid.

6 NEW SECTION. Section 4. Codification instruction.
7 [Section 3] is intended to be codified as an integral part
8 of Title 70, chapter 21, and the provisions of Title 70,
9 chapter 21, apply to [section 3].

-End-

MINUTES

**MONTANA SENATE
53rd LEGISLATURE - REGULAR SESSION**

COMMITTEE ON LOCAL GOVERNMENT

Call to Order: By Senator Kennedy, on January 26, 1993, at
1:00 p.m.

ROLL CALL

Members Present:

Sen. Ed Kennedy, Chair (D)
Sen. Sue Bartlett, Vice Chair (D)
Sen. Dorothy Eck (D)
Sen. Delwyn Gage (R)
Sen. John Hertel (R)
Sen. David Rye (R)
Sen. Bernie Swift (R)
Sen. Eleanor Vaughn (D)
Sen. Mignon Waterman (D)
Sen. Jeff Weldon (D)

Members Excused: Sen. Ethel Harding

Members Absent: None.

Staff Present: Connie Erickson, Legislative Council
Rosalyn Cooperman, Committee Secretary

Please Note: These are summary minutes. Testimony and
discussion are paraphrased and condensed.

Committee Business Summary:

Hearing: SB 103, SB 149, SB 189
Executive Action: None.

HEARING ON SB 189

Opening Statement by Sponsor:

Senator Steve Doherty, Senate District 20, stated SB 189 would require current and delinquent taxes be paid before real property may be split or combined and before a division or merger of real property may be recorded. He said SB 189 was drafted at the request of the Montana County Treasurers Association.

Proponents' Testimony:

Mr. Dick Michelotti, Cascade County Treasurer, stated his support for SB 189. He said the Treasurer's officer has experienced problems with combined property that has delinquent taxes. He stated three things can happen at the County Assessor's office when land is combined. First, the assessor may list the combined land under one parcel number, which is the description of the land. Second, the assessor may list the combined land under a non-delinquent parcel number. Mr. Michelotti said when this occurs, the record of the delinquent parcel number is essentially lost in the system. Third, the assessor may list the combined land under a new parcel number which also renders any older, delinquent parcel numbers lost in the system. Mr. Michelotti stated this problem also occurs when property is split. He said when the delinquent taxes are discovered, the landowner tends to argue that payment of those taxes are not solely his or her responsibility. He said it is for these reasons county treasurers want property splits or combinations to occur prior to recording. Mr. Michelotti added, in many instances, a recording does not occur during property splits. He concluded the extra time and money spent trying to locate land parcels with delinquent taxes warrants a change in existing law.

Mr. Cort Harrington, Montana County Treasurers Association, stated SB 189 is necessary for a couple of reasons. Mr. Harrington said he represented a client who had purchased a portion of land from a larger parcel. He said at the time of purchase, the taxes on the land were current, however they went delinquent shortly after the sale. Because the purchased land was listed under a new parcel number, Mr. Harrington's client did not discover for several years that he owed back taxes on the property. Mr. Harrington stated the bank, which had a mortgage on part of the larger parcel of land, tried to foreclose and took an assignment of the delinquent taxes. It was then Mr. Harrington's client discovered he owed taxes on the land he had purchased years ago. Mr. Harrington also stated he was acquainted with an individual who owned a forest service lease in Rimini and had built a house on the property. This individual spoke with the Forest Service about buying the leased land. The Forest Service agreed, but informed the individual he was also obligated to purchase an additional twenty-two acres which adjoined the land and included the leases of four other individuals. Mr. Harrington said the five individuals pooled their money and purchased the remainder of the land, on which taxes had been assessed but not levied. He said three of the land owners had to sue the other two in order to recover property taxes owed for the year. Mr. Harrington doubted the suit would have occurred had SB 189 existed. Mr. Harrington concluded taxpayers would benefit from the passage of SB 189.

Opponents' Testimony:

None.

Informational Testimony:

None.

Questions From Committee Members and Responses:

Senator Gage asked if the land in question could have special assessments, to which Mr. Michelotti replied the land to be split or combined could have any special assessment designation. Mr. Michelotti said, however, the property taxes paid must be current. Senator Gage then asked if SB 189 should be amended on page 5, subsection 3 to include special assessments since they were previously mentioned on page 2, subsection b, to which Mr. Michelotti agreed and added its omission from page 5 was an oversight.

Senator Gage asked what would happen if an individual split or combined land with delinquent taxes and did not record the deed. Mr. Harrington replied the situation could create problems for the landowner which could result in a lawsuit.

Senator Doherty stated he was given some amendments to SB 189 prepared by the Department of Revenue which they considered to be of a technical nature. Mr. Ken Morrison, Department of Revenue, stated the amendments offered by his Department may go beyond the original intent of SB 189 but added the Department feels there is another section of law which needs to be amended. He asked if the Department could have the opportunity to revisit the suggested amendments and re-offer them to the Committee before it takes executive action on SB 189. Senator Bartlett asked Mr. Morrison what the concern over the amendments regarded, to which Mr. Morrison replied the concern was over 15-8-702 of existing law which requires the Department of Revenue to participate with the treasurer in separating out tax bills in a recorded transaction. He said any language change to SB 189 could potentially affect this portion of law. Mr. Morrison concluded he would work with Senator Doherty to prepare the amendments to SB 189.

Senator Bartlett asked if the County Treasurers Association had discussed the potential impact of mid-year land transfers to SB 189. Mr. Michelotti replied it was the intent of the language to include the current year in the taxes which must be paid before a land split or combination could occur. Senator Bartlett asked if this was required to avoid waiting until the payment was due and then trying to split or combine the land, to which Mr. Michelotti replied yes.

Senator Gage asked if delinquent taxes would attach to the total parcel of land to which they were assessed, even if the land had been split or combined. Mr. Michelotti replied, under current law, the taxes would be assessed to the whole parcel of land which could cause problems for both the former and current landowner.

Closing by Sponsor:

Senator Doherty concluded SB 189 would solve some problems for both landowners and county treasurers.

HEARING ON SB 103

Opening Statement by Sponsor:

Senator Harry Fritz, Senate District 28, stated the short title of SB 103 is misleading since the true purpose of SB 103 is to return the existing law to its original intent. Senator Fritz said the original intent of the law was to render an injured municipal police officer financially whole. He said the intent of the law was to ensure that an injured police officer would not suffer financially while disabled. The law was written, he added, so the officer would not make any less or any more than his/her salary at the time of injury. Senator Fritz stated the law has since been rewritten so it is possible for an injured officer to receive higher compensation than he/she did before the injury. He said the higher costs can be attributed to worker's compensation payments which cost about \$336 a week per officer. Senator Fritz said since the payments are not counted as taxable income, an injured officer could collect in one year an additional \$3,500 above his/her salary. He added the problem with current law is that it requires first and second class cities to pay the difference between the worker's compensation payment and the officer's pay. Senator Fritz said SB 103 would require municipalities to pay only the difference between the disability payment and the officer's take-home pay. He said this would ensure that any injured police officer would not make less than he/she did before the injury, but would not permit him/her to make any more. Senator Fritz noted SB 103 would probably save municipalities some money, but added the purpose of SB 103 is to remove any incentive for an officer to stay injured longer than necessary. Senator Fritz concluded by offering a technical amendment to SB 103. (Exhibit #1)

Proponents' Testimony:

Mr. Alec Hansen, Montana League of Cities and Towns, stated his organization's support for SB 103. He said current law requires municipalities to make up the difference between the weekly

ROLL CALL

SENATE COMMITTEE Local Government

DATE 1-26-93

NAME	PRESENT	ABSENT	EXCUSED
Senator John "Ed" Kennedy	✓		
Senator Sue Bartlett	✓		
Senator Dorothy Eck	✓		
Senator Delwyn Gage	✓		
Senator Ethel Harding			✓
Senator John Hertel	✓		
Senator David Rye	✓		
Senator Bernie Swift	✓		
Senator Mignon Waterman	✓		
Senator Jeff Weldon	✓		
Senator Eleanor Vaughn	✓		

FC8

Attach to each day's minutes

DATE 1-26-93SENATE COMMITTEE ON Local GovernmentBILLS BEING HEARD TODAY: SB 149, 189, 103

Name	Representing	Bill No.	Check One	
			Support	Oppose
WILLIAM A. FAIRHURST	PLAAT	149		X
Dick Michigletti	Pasadena County Treas.	189	X	
Tom Hordine	Teton Co.	149	X	
C. Elbert Carlson	Teton Co.	149	X	
John C. Mage	AFSCME Helena	103		X
Blake J. Fordal	Twisted Creek Co	149	X	
Gordon Morris	MACO			
Tim Swanson	CITY OF BOZEMAN	103	X	
Alec Hansen	MLC +	103	X	
Al Sampson	City of Wolf	103	X	
John Jellenecki	Gallatin County	149	X	
Jim Oubry	MACOP	103	X	
Paul Williams	Montana Police Protective Assn.	103	X	

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

available now if voters do not support the decision of their commissioners and wish to bring the issue before the electorate.

Senator Hertel asked Mr. Morris why county commissioners were opposed to SB 112 and SB 243. Mr. Morris replied commissioners believe SB 112 and SB 243 would take away some of their authority and create a government by referendum.

Senator Rye stated he opposed SB 112, but would like to have the bill debated on the Senate floor.

Senator Weldon stated the result of either passing or not passing SB 112 and SB 243 would be the same because in most cases, the electorate would probably vote to consolidate the offices. He said the reason why voters are not well informed in matters of county government is because they feel so apart from their government. He said he supports SB 112 because it sends a message to the voters that they have a say in their government.

Vote:

The Do Pass motion for SB 112 FAILED six votes to five by roll call vote.

Motion/Vote:

Senator Waterman moved SB 112 DO NOT PASS. Motion CARRIED six votes to five by a reverse of the roll call vote. Senator Kennedy will carry the adverse Committee report.

EXECUTIVE ACTION ON SB 243

Motion/Vote:

Senator Eck moved SB 243 DO NOT PASS. Motion CARRIED six votes to five by roll call vote. Senator Kennedy will carry the adverse Committee report.

EXECUTIVE ACTION ON SB 189

Discussion:

Connie Erickson stated SB 189 requires current and delinquent taxes be paid before real property may be split or combined and before a division or merger can be properly recorded. She said Senator Gage requested an amendment as did the Department of Revenue. (Exhibit #2) Ms. Erickson stated the sponsor of SB 189, Senator Doherty, did not object to the amendments.

Motion/Vote:

Senator Gage moved the Committee adopt his amendment to SB 189.
MOTION CARRIED UNANIMOUSLY.

Motion/Vote:

Senator Waterman moved the Committee adopt the Department of
Revenue's amendments to SB 189. MOTION CARRIED UNANIMOUSLY.

Motion/Vote:

Senator Weldon moved SB 189 DO PASS AS AMENDED. MOTION CARRIED
UNANIMOUSLY.

EXECUTIVE ACTION ON SB 230

Motion:

Senator Gage moved SB 230 DO PASS.

Discussion:

Senator Kennedy asked Senator Gage if SB 230 would exclude any
offices from a nonpartisan election. Senator Gage replied all
locally elected positions would be held by nonpartisan officers.
Senator Gage stated he was concerned about those candidates who
now run under a certain party, regardless of their political
beliefs, to get elected.

Senator Waterman stated she opposed SB 230 because local
governments currently have the option of holding nonpartisan
elections. She said this matter should be left to local control.

Senator Eck stated she opposed SB 230 because many county offices
do not receive much attention and party affiliation is one way of
determining the general philosophy of a candidate.

Senator Harding stated she once believed local offices should be
nonpartisan. She said she no longer does because many elected
officials eventually seek higher office and there needs to be
some basis for political parties to identify their candidates.

Senator Rye stated he supported SB 230 because many people vote a
certain way and overlook candidates who belong to a particular
party. He said in county politics, where one's philosophy does
not get much chance to be reflected, nonpartisan elections would
be better.

MINUTES

**MONTANA HOUSE OF REPRESENTATIVES
53rd LEGISLATURE - REGULAR SESSION**

COMMITTEE ON LOCAL GOVERNMENT

Call to Order: By CHAIRMAN NORM WALLIN, on March 23, 1993, at 3:00 p.m.

ROLL CALL

Members Present:

Rep. Norm Wallin, Chairman (R)
Rep. Ray Brandewie, Vice Chairman (R)
Rep. Ellen Bergman (R)
Rep. John Bohlinger (R)
Rep. Stella Jean Hansen (D)
Rep. Jack Herron (R)
Rep. Sheila Rice (D)
Rep. Tim Sayles (R)
Rep. Liz Smith (R)
Rep. Randy Vogel (R)
Rep. Karyl Winslow (R)
Rep. Diane Wyatt (D)

Members Excused: Rep. Dave Brown, Rep. Tim Dowell, Rep. Dave Ewer and Rep. Ed McCaffree

Members Absent: None.

Staff Present: Bart Campbell, Legislative Council
Pat Bennett, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing: SB 189, SB 288, SB 332, SB 298, SB 316
Executive Action: SB 298, SB 157 - Action on both postponed.

HEARING ON SENATE BILL 189

Opening Statement by Sponsor:

SEN. STEVE DOHERTY, SD 20, Great Falls, stated SB 189 was being introduced at the request of County Assessors and Clerk and Recorders. SB 189 stipulates that all taxes be paid before deeds are filed when subdividing land. It was amended in the Senate Local Government Committee to eliminate the requirement that the Department of Revenue and the County Treasurer keep records of the separation of taxes between parcels.

Proponents' Testimony: None.

Opponents' Testimony: None.

Questions From Committee Members and Responses:

REP. VOGEL asked SEN. DOHERTY if SB 189 would inhibit the collection of taxes through the sale of the property. SEN. DOHERTY replied that it would not. A person would still be able to consummate the sale, however, would not be able to record the deed until the taxes were paid.

REP. BRANDEWIE asked if a person wanted to subdivide and sell parcels just to pay his taxes, under SB 189 he would not be allowed to. SEN. DOHERTY replied that was correct.

Closing by Sponsor:

SEN. DOHERTY closed on SB 189, stating the Treasurer's requested the bill because they had found problems in recording deeds and parcels which have gotten mixed up with parcel numbers.

HEARING ON SENATE BILL 288

Opening Statement by Sponsor:

SEN. HARRY FRITZ, SD 28, Missoula, introduced SB 288, a bill which results from statutes adopted last session requiring that the Department of Commerce sign-off before any school district would be allowed to abolish or destroy records. The state does not have a records retention schedule for local governments and school districts. A records retention schedule is a timetable establishing how long local governments and school districts must retain certain records before disposing of them. Last session the records management division was transferred from the Department of Administration into the office of the Secretary of the State. Since then the office has been inundated with calls from local governments and school districts inquiring about a retention schedule for records.

Proponents' Testimony:

Ed Eaton, State Records Manager, Records Management Bureau, office of Secretary of the State, testified in support of SB 288.
EXHIBIT 1

Kathryn Otto, State Archivist, Library and Archives, Montana Historical Society, testified in favor of SB 288. The State Archives views SB 288 as a necessary response to the concerns and needs of local governments to abolish their records. SB 288 will also assure that valuable records will be retained and preserved.

Alec Hansen, Executive Director, Montana League of Cities and Towns, testified in support of SB 288, saying there is confusion about the time-limit for retaining records. The bill will solve

LOCAL GOVERNMENT

ROLL CALL

DATE _____

3/23/93

[illegible]

ROLL CALL

SENATE COMMITTEE Local Government

DATE 2-9-93

NAME	PRESENT	ABSENT	EXCUSED
Senator John "Ed" Kennedy	✓		
Senator Sue Bartlett	✓		
Senator Dorothy Eck	✓		
Senator Delwyn Gage	✓		
Senator Ethel Harding	✓		
Senator John Hertel	✓		
Senator David Rye	✓		
Senator Bernie Swift	✓		
Senator Mignon Waterman	✓		
Senator Jeff Weldon	✓		
Senator Eleanor Vaughn	✓		

FC8

Attach to each day's minutes

Amendments to Senate Bill No. 189
First Reading Copy

For the Committee on Local Government

Prepared by Connie Erickson
February 8, 1993

SENATE LOCAL GOVERNMENT
EXHIBIT NO. 2
DATE 2-9-93
BILL NO. SB 189

1. Title, line 7.

Following: ";"

Insert: "ELIMINATING THE REQUIREMENT THAT THE DEPARTMENT OF
REVENUE AND THE COUNTY TREASURER KEEP RECORDS OF THE
SEPARATION OF THE TAXES BETWEEN THE PORTION OF THE PROPERTY
BEING SOLD AND THE REMAINING PARCELS;"

Following: "7-4-2613"

Insert: ", 15-8-702,"

2. Page 4.

Following: line 1

Insert: "Section 2. Section 15-8-702, MCA, is amended to read:

"15-8-702. Persons desiring to be listed. ~~(1)~~ Lands once
described on the assessment book need not be described a second
time, but any person claiming the same and desiring to be
assessed therefor may have his the person's name inserted with
that of the person to whom such land is assessed.

~~(2) When the owner of one or more parcels of real property
conveys a portion of his interests to a buyer in a recorded
transaction, the buyer may require the county treasurer to accept
payment from the buyer on such portion of the taxes already
levied against such property as may then be due and payable. The
department of revenue or its agent shall cooperate with and
assist the buyer and the county treasurer in keeping necessary
records of the separation or division of a parcel or parcels
listed together on the assessment lists."~~

Renumber: subsequent sections

3. Page 5, line 22.

Following: "taxes"

Insert: "and special assessments"

4. Page 6, lines 7 and 9.

Strike: "3"

Insert: "4"

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
February 10, 1993

MR. PRESIDENT:

We, your committee on Local Government having had under consideration Senate Bill No. 189 (first reading copy -- white), respectfully report that Senate Bill No. 189 be amended as follows and as so amended do pass.

Signed: John Ed Kennedy, Jr.
Senator John "Ed" Kennedy, Jr. Chair

That such amendments read:

1. Title, line 7.

Following: ";

Insert: "ELIMINATING THE REQUIREMENT THAT THE DEPARTMENT OF REVENUE AND THE COUNTY TREASURER KEEP RECORDS OF THE SEPARATION OF THE TAXES BETWEEN THE PORTION OF THE PROPERTY BEING SOLD AND THE REMAINING PARCELS;"

Following: "7-4-2613"

Insert: ", 15-8-702,"

2. Page 4.

Following: line 1

Insert: "Section 2. Section 15-8-702, MCA, is amended to read:

"15-8-702. Persons desiring to be listed. (1) Lands once described on the assessment book need not be described a second time, but any person claiming the same and desiring to be assessed therefor may have his the person's name inserted with that of the person to whom such land is assessed.

~~(2) When the owner of one or more parcels of real property conveys a portion of his interests to a buyer in a recorded transaction, the buyer may require the county treasurer to accept payment from the buyer on such portion of the taxes already levied against such property as may then be due and payable. The department of revenue or its agent shall cooperate with and assist the buyer and the county treasurer in keeping necessary records of the separation or division of a parcel or parcels listed together on the assessment lists."~~

Renumber: subsequent sections

3. Page 5, line 22.

Following: "taxes"

Insert: "and special assessments"

4. Page 6, lines 7 and 9.

Strike: "3"

Insert: "4"

-END-

ADK
Amd. Coord.
Sec. of Senate

331321SC.San

2/11	COMMITTEE REPORT—BILL CONCURRED		
3/02	2ND READING CONCURRED	77	20
3/05	3RD READING CONCURRED	79	20
RETURNED TO SENATE			
3/10	SIGNED BY PRESIDENT		
3/10	SIGNED BY SPEAKER		
3/11	TRANSMITTED TO GOVERNOR		
3/15	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 91		
	EFFECTIVE DATE: 07/01/93		

SB 188 INTRODUCED BY HOCKETT
 AUTHORIZE COMMERCIAL LEASEHOLDERS TO SUBLEASE STATE LAND
 BY REQUEST OF DEPARTMENT OF STATE LANDS

1/19	INTRODUCED		
1/19	REFERRED TO EDUCATION & CULTURAL RESOURCES		
1/19	FIRST READING		
1/22	HEARING		
1/25	COMMITTEE REPORT—BILL PASSED		
1/26	2ND READING PASSED	48	0
1/27	3RD READING PASSED	46	1
TRANSMITTED TO HOUSE			
1/28	FIRST READING		
1/28	REFERRED TO AGRICULTURE, LIVESTOCK & IRRIGATION		
2/11	HEARING		
2/13	COMMITTEE REPORT—BILL CONCURRED		
3/02	2ND READING CONCURRED	88	10
3/05	3RD READING CONCURRED	79	21
RETURNED TO SENATE			
3/10	SIGNED BY PRESIDENT		
3/10	SIGNED BY SPEAKER		
3/11	TRANSMITTED TO GOVERNOR		
3/16	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 96		
	EFFECTIVE DATE: 10/01/93		

SB 189 INTRODUCED BY DOHERTY
 REQUIRE CURRENT AND DELINQUENT TAXES BE PAID BEFORE
 PROPERTY SPLIT OR COMBINED

1/19	INTRODUCED		
1/19	REFERRED TO LOCAL GOVERNMENT		
1/19	FIRST READING		
1/26	HEARING		
2/10	COMMITTEE REPORT—BILL PASSED AS AMENDED		
2/11	2ND READING PASSED	49	0
2/12	3RD READING PASSED	50	0
TRANSMITTED TO HOUSE			
2/23	REFERRED TO LOCAL GOVERNMENT		
2/23	FIRST READING		
3/23	HEARING		
3/26	COMMITTEE REPORT—BILL CONCURRED AS AMENDED		
3/30	2ND READING CONCURRED	97	3
4/01	3RD READING CONCURRED	91	7
RETURNED TO SENATE WITH AMENDMENTS			
4/03	2ND READING AMENDMENTS CONCURRED	47	0
4/05	3RD READING AMENDMENTS CONCURRED	50	0
4/07	SIGNED BY PRESIDENT		

4/07 SIGNED BY SPEAKER
 4/13 TRANSMITTED TO GOVERNOR
 4/15 SIGNED BY GOVERNOR
 CHAPTER NUMBER 366
 EFFECTIVE DATE: 10/01/93

SB 190 INTRODUCED BY DOHERTY, ET AL.
 ALLOW COOPERATIVE TO RETAIN UNCLAIMED PATRONAGE REFUNDS
 FOR EDUCATIONAL PURPOSES

1/19	INTRODUCED		
1/19	REFERRED TO BUSINESS & INDUSTRY		
1/19	FIRST READING		
1/28	HEARING		
2/02	COMMITTEE REPORT—BILL PASSED AS AMENDED		
2/03	2ND READING PASSED	47	0
2/04	FISCAL NOTE REQUESTED		
2/04	3RD READING PASSED	47	0
	TRANSMITTED TO HOUSE		
2/05	REFERRED TO STATE ADMINISTRATION		
2/05	FIRST READING		
2/06	FISCAL NOTE RECEIVED		
2/08	FISCAL NOTE PRINTED		
3/04	HEARING		
3/05	COMMITTEE REPORT—BILL CONCURRED		
3/15	2ND READING CONCURRED	77	23
3/18	3RD READING CONCURRED	85	10
	RETURNED TO SENATE		
3/24	SIGNED BY PRESIDENT		
3/26	SIGNED BY SPEAKER		
3/29	TRANSMITTED TO GOVERNOR		
4/02	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 263		
	EFFECTIVE DATE: 10/01/93		

SB 191 INTRODUCED BY AKLESTAD, ET AL.
 ALLOW PERSONS 62 AND OVER TO DEFER INCREASES IN MARKET VALUE
 OF THEIR PRIMARY RESIDENCES

1/19 INTRODUCED
 1/19 FISCAL NOTE REQUESTED
 1/19 REFERRED TO TAXATION
 1/19 FIRST READING
 1/26 FISCAL NOTE RECEIVED
 1/27 FISCAL NOTE PRINTED
 1/29 HEARING
 3/27 TABLED IN COMMITTEE

SB 192 INTRODUCED BY WATERMAN, ET AL.
 DIRECT PERS BOARD TO REVIEW BENEFITS; RECOMMEND
 COST-OF-LIVING ADJUSTMENTS

1/19	INTRODUCED		
1/19	REFERRED TO STATE ADMINISTRATION		
1/19	FIRST READING		
1/28	HEARING		
2/08	COMMITTEE REPORT—BILL PASSED AS AMENDED		
2/09	2ND READING PASSED	36	14
2/10	3RD READING PASSED	44	5

EXECUTIVE ACTION ON SENATE BILL 189

Discussion: REP. BRANDEWIE asked Cort Harrington, Montana Treasurer's Association, to address the problems with the bill.

Mr. Harrington noted the problem concerned the requirement that if the property taxes are assessed or levied they must be paid. There is a question that if January 1 is the assessment date the taxes are not known. He recommended changing an "or" to an "and" on page 2, line 9 and on page 7, line 1. This change would require that the taxes be both assessed and levied at the same time. EXHIBIT 3

REP. BOHLINGER informed the committee of a fax he received from Yellowstone County which stated SB 189 would provide an effective remedy for problems the county has encountered with property in tax default.

Motion: REP. BOHLINGER MOVED SB 189 BE CONCURRED IN.

Motion/Vote: REP. BRANDEWIE moved to amend SB 189. EXHIBIT 3
Motion carried unanimously.

Motion/Vote: REP. BRANDEWIE MOVED SB 189 BE CONCURRED IN AS AMENDED. Motion carried unanimously.

EXECUTIVE ACTION ON SENATE BILL 157

Discussion: CHAIRMAN WALLIN informed the Committee that he had conferred with Greg Petesch, Chief Legal Counsel, Legislative Council, who has said this legislation is legal. With SB 157, property could be transferred from the county to the city.

Motion/Vote: REP. McCAFFREE MOVED SB 157 BE CONCURRED IN.
Motion carried unanimously.

Motion/Vote: REP. VOGEL moved to put SB 157 on the consent calendar. Motion carried unanimously.

EXECUTIVE ACTION ON SENATE BILL 215

Discussion: REP. BOHLINGER said SB 215 would give Habitat for Humanity and other groups trying to provide housing for low income people a piece of real estate on which to place a dwelling unit. It is an opportunity to turn a piece of property which pays no taxes and is a blight on the community into a tax paying residence.

Motion: REP. BROWN MOVED SB 215 BE NOT CONCURRED IN.

Motion/Vote: REP. DOWELL MADE A SUBSTITUTE MOTION THAT SB 215 BE CONCURRED IN. Motion carried 14-2 with REPS. McCAFFREE and BROWN

EXHIBIT - # 3
DATE 3/25/93
SB SB 189

Amendments to Senate Bill No. 189
Third Reading Copy

Requested by Representative Brandewie
For the Committee on Local Government

Prepared by Bart Campbell
March 26, 1993

1. Page 2, line 9.
Strike: "or"
Insert: "and"
2. Page 7, line 1.
Strike: "or"
Insert: "and"